

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10TH DAY OF JANUARY 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Supervisors
	Steve L. Spradlin	
	Mary W. Biggs	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The County Administrator called the meeting to order and the Pledge of Allegiance was recited.

ELECTION OF CHAIR

Supervisor Biggs nominated Annette S. Perkins to serve as Chair of the Board of Supervisors for calendar year 2005. Supervisor Muffo seconded the nomination.

The vote on the forgoing nomination was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	Doug Marrs
Annette S. Perkins	Steve L. Spradlin
John A. Muffo	Gary D. Creed
	James D. Politis

Supervisor Steve L. Spradlin nominated Gary D. Creed to serve as Chair of the Board of Supervisors for calendar year 2005. Supervisor Marrs seconded the nomination.

**R-FY-05-112
ELECTION OF CHAIR
FOR CALENDAR YEAR 2005**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried,

BE IT RESOLVED, That **Gary D. Creed** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2005, or until a successor is elected.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	Annette S. Perkins
Gary D. Creed	Mary W. Biggs
Doug Marrs	John A. Muffo
James D. Politis	

ELECTION OF VICE-CHAIR

Supervisor Biggs nominated Annette S. Perkins to serve as Vice-Chair of the Board of Supervisors for calendar year 2005. Supervisor Muffo seconded the nomination.

The vote on the forgoing nomination was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	Doug Marrs
John A. Muffo	Steve L. Spradlin
Mary W. Biggs	Gary D. Creed
	James D. Politis

Supervisor Marrs nominated Steve L. Spradlin to serve as Vice-Chair of the Board of Supervisors for calendar year 2005.

R-FY-05-113
ELECTION OF VICE CHAIR
FOR CALENDAR YEAR 2005

On a motion by Doug Marrs and carried,

BE IT RESOLVED, That **Steve L. Spradlin** be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2005, or until a successor is elected.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Steve L. Spradlin
Gary D. Creed
James D. Politis

NAY

John A. Muffo
Mary W. Biggs
Annette S. Perkins

ORGANIZATIONAL MATTERS

R-FY-05-114
SELECTION OF REGULAR MEETING DATE

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2005 shall be the **2nd and 4th Monday of each month beginning at 7:15 p.m.** in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

R-FY-05-115
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

- Rule 1** The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.
- Rule 2** The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be *added to the Agenda* following the Delegation portion of the meeting.
- Rule 5** *Discussion of Agenda items* will occur only after a motion is made.
- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.

- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.

- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** Individual speakers will be limited to **5 minutes** to address the Board during the **public address** and the **public hearing** portions of the meeting. Speakers may not grant or assign their remaining time to address the Board to another speaker.
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments to various Boards**, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year)
- Rule 22** On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs
Gary D. Creed

NAY

None

January 10, 2005

Page 6 of 34

**R-FY-05-116
CODE OF ETHICS AND
STANDARD OF CONDUCT
FOR CALENDAR YEAR 2005**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.

January 10, 2005

Page 7 of 34

8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

January 10, 2005

Page 8 of 34

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed
Douglas W. Marrs
Steve L. Spradlin
Mary W. Biggs
John A. Muffo
Annette S. Perkins
James D. Politis

NAY

None

PUBLIC HEARINGS

Montgomery County Budget for FY 2005-2006

Alicia Spitzer addressed the Board in reference to teacher salaries. Ms. Spitzer explained that the Montgomery County School Board developed a three year plan to increase teacher salaries. She believes that teachers in Montgomery County are still underpaid and urged the Board to stay committed to the salary plan submitted by the School Board.

Lyndsey West thanked the Board for past support in funding the Lyric Theatre. With the help of capital investments by the Town of Blacksburg and Montgomery County over the past ten years, renovation and upgrading the Lyric Theatre became a reality. Ms. West asked the Board to continue its involvement with the Lyric Theatre and approve the Lyric Council's budget request in the amount of \$5,000.

Terry Smusz, New River Community Action Director, thanked the Board for past support in funding the Human Services Agencies. She explained for every local dollar funded they can receive ten dollars from other sources. Ms. Smutz asked the Board for continued support and wished them a successful budget session.

There being no further speakers, the public hearing was closed.

Proposed conveyance to the Public Service Authority by the County of a water and sewer easement along a portion of the Huckleberry Trail near where the Huckleberry Trail intersects with Hightop Road

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Nick Rush addressed the Board in support of the Milton Reed Rezoning request. Mr. Rush believes this request is the right rezoning for the property for many reasons. Improvements planned for the property and for Merrimac Road, at the cost of the developer, include the following:

1. Bridge Improvement on Merrimac Road - \$200,000
2. Environment Remediation – Improvement to Property - \$800,000
3. PSA Water and Sewer Connection Fees - \$357,000
4. VDOT Right-of-Way Improvements on Merrimac Road for Site Improvement - \$200,000

Mr. Rush explained this project will provide affordable housing and will raise the standards of affordable housing. He asked that the Board approve this request.

Gail Billingsley, YMCA at Virginia Tech, addressed the Board regarding the old Blacksburg Middle School property. Ms. Billingsley stated for the record that the YMCA at Virginia Tech is interested in this property. The YMCA could occupy the building and the 15 acres behind the building could be subdivided.

R.G. Quesenberry spoke in opposition to the Milton Reed Rezoning request. Mr. Quesenberry stated the area consists of single family homes and believes the area should remain as single family homes. He urged the Board to deny this rezoning request.

There being no further speakers, the public address session was closed.

DELEGATION

Big Brothers and Big Sisters of the New River Valley

Susan Higgs, Director of the Big Brothers and Big Sisters of the New River Valley, introduced Bill Bestpitch, Executive Director, and provided an update on the activities and programs of the organization. In 2002 the Big Brothers/Big Sisters organization merged with Roanoke and became the Big Brothers and Big Sisters of Southwest Virginia. There is a school based program located in eight elementary schools in Montgomery County where a volunteer is allowed one hour a week with their little brother or sister. Ms. Higgs expressed her appreciation to the Montgomery County School System for allowing this program in the schools. This organization has proven to be effective and does make a difference. She expressed her appreciation to the Board for their support.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously, the Consent Agenda dated January 10, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

A-FY-05-58 METROPOLITAN PLANNING ORGANIZATION TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$3,978)
-----	-----------------------	-----------

TO:

910	Metropolitan Planning Organization	\$3,978
-----	------------------------------------	---------

Said resolution transfers appropriated funds from General Contingencies to the Metropolitan Planning Organization for the County's share of local funding.

A-FY-05-59 FIRE PROGRAM FUND

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

23311 Fire Program Fund Distribution	\$53,384
--------------------------------------	----------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Fire Program Fund Distribution	\$53,384
--------	--------------------------------	----------

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

**A-FY-05-60
COMMONWEALTH'S ATTORNEY**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$5,066
-----	-------------------------	---------

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

419104	Confiscations	\$ 41
423100	Shared Expenses	<u>\$5,025</u>
	Total	\$5,066

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services and additional state funds approved by the Compensation Board.

**A-FY-05-61
SHERIFF
PROJECT LIFESAVER APPROPRIATION**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

321	Sheriff-Grants	\$150
-----	----------------	-------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Project Lifesaver	\$150
--------	-------------------	-------

Said resolution appropriates recovered costs from Project Lifesaver funds.

A-FY-05-62
SOCIAL SERVICES
SUPPLEMENTAL APPROPRIATION AND
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

540	Social Services	\$24,839
-----	-----------------	----------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424102	Public Assistance	\$24,839
--------	-------------------	----------

BE IT FURTHER RESOLVED, That a transfer is authorized as follows:

FROM:

950	General Contingencies	(\$4,464)
-----	-----------------------	-----------

TO:

540	Social Services	\$4,464
-----	-----------------	---------

Said resolution appropriates funds for the Energy Assistance Program and Eligibility Administration Funds and transfers the County's share of local funding for Eligibility Administration Funds from General Contingencies.

A-FY-05-63
TREASURER
SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

The source of funds for the foregoing appropriation is as follows:

02 411605	DMV Stop Fees	\$3,140
-----------	---------------	---------

R-FY-05-117
ECONOMIC DEVELOPMENT COMMISSION
(MONTGOMERY REGIONAL)
TOWN OF CHRISTIANSBURG REPRESENTATIVE

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John T. Overton** as a Town of Christiansburg representative to the Montgomery Regional Economic Development Commission effective January 1, 2005 and expiring December 31, 2007.

R-FY-05-118
SPECIAL USE PERMIT
CARL & RAMSEY McNEIL

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Carl & Ramsey McNeil (Agent: Town of Christiansburg) request for a Special Use Permit on 134 acres in Agriculture (A-1), to allow a biosolids disposal site is hereby approved with the following condition:

1. All application of biosolids shall be in accordance with State regulations and the Town of Christiansburg's Biosolids Management Plan, prepared by Olver Incorporated, revised January 2004, as amended, except that a 500 foot buffer zone shall be maintained for off-site residences and private water supply wells not owned by the applicant.

The property is located at the end of Old Pagelyn Road, and is identified as Tax Parcel No(s). 125-2-1, 44; 125-A-1,2A, 2B,2C (Acct ID #'s 035628, 008773, 035625, 035626, 035627, 070292, 008776) in the Riner Magisterial District. The property currently lies in an area designated as a Resource Stewardship Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
John A. Muffo	
James D. Politis	
Gary D. Creed	

ORD-FY-05-20
AN ORDINANCE DESIGNATING CERTAIN REAL AND
PERSONAL PROPERTY OWNED BY
NEW RIVER COMMUNITY ACTION INC
EXEMPT FROM TAXATION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, New River Community Action, Inc. is a non-profit corporation that serves low-income families in and around Montgomery County, Virginia through a variety of programs that receive support from federal, state and local government funding along with private contributions; and

WHEREAS, New River Community Action, Inc. currently owns real estate located at 110 Roanoke Street and 135 Church Street, both in Christiansburg, Virginia; and

WHEREAS, The property located at 110 Roanoke Street that houses the New River Community Action, Inc's Montgomery area office was designated exempt in 2001 by the Virginia General Assembly with support of such designation by the Board of Supervisors; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance, the real or personal property taxes or both owed by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, New River Community Action, Inc. has requested the Board of Supervisors for exempt status for the real property owned by New River Community Action, Inc. at 135 Church Street, the site of their Head Start Center and for exempt status for New River Community Action Inc's tangible personal property that is used exclusively for charitable and benevolent purposes; and

WHEREAS, Based on this request, the Board of Supervisors of Montgomery County, Virginia has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors of Montgomery County, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain real and personal property owned by New River Community Action, Inc. as exempt from local taxation:

1. New River Community Action, Inc. is a private, non-profit 501 (c)(3) organization that is exempt from federal income taxation pursuant to Section 501 (c)(3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to New River Community Action, Inc. for use at the property located at 135 Church Street, Christiansburg, Virginia.
3. No director, officer or employee of New River Community Action, Inc. is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer or employee actually renders.
4. No part of the net earnings of New River Community Action, Inc. inures to the benefit of any individual. A significant portion of the service provided by New River Community Action, Inc. is generated by funds received from donations, contributions or local, state or federal funds.
5. New River Community Action, Inc. provides services for the common good of the public.
6. No part of the activities of New River Community Action, Inc., involves carrying on propaganda or otherwise attempting to influence legislation. New River Community Action, Inc. does not participate in or intervene in any political campaign on behalf of any candidate for public office.
7. New River Community Action, Inc. has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.

8. In 2004, the real property located at 135 Church Street is assessed at a value of \$262,000 with a real estate tax liability of \$1,755.40.
9. In 2004, the tangible personal property seeking exemption is assessed at a combined value of \$26,570 with a combined personal property tax liability of \$650.98.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. The New River Community Action, Inc., a nonprofit organization is hereby designated as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. That the real and personal property located in Montgomery County, Virginia, at 135 Church Street in the Town of Christiansburg, Virginia, consisting of 0.505 acres, owned by New River Community Action, Inc., and used by New River Community Action, Inc., exclusively for charitable and benevolent purposes on a nonprofit basis is hereby designated to be exempt from taxation by Montgomery County. The continuance of the exemption shall be contingent on the continued use of the real and personal property in accordance with the purpose for which New River Community Action, Inc. is designated as a charitable and benevolent organization. The exemption shall be effective until New River Community Action, Inc. no longer qualifies, until the specific use on which the exemption is based ceases, or until revoked by the Board of Supervisors of Montgomery County as provided by law, whichever occurs first.
3. New River Community Action, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1st of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors' Policy Regarding Applications for Tax Exemption by Designation.

The vote on the foregoing ordinance was as follows:

AYE

Steve L. Spradlin
Mary W. Biggs
John A. Muffo
Annette S. Perkins
Doug Marrs
James D. Politis
Gary D. Creed

NAY

None

**R-FY-05-119
SPECIAL USE PERMIT
GARY & LINDA CREED**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Gary and Linda Creed request for a Special Use Permit on a 5.139 acre tract in Agriculture (A-1), to allow a family subdivision of property with one (1) additional lot assignment over the amount allowed under sliding scale is hereby **Approved**.

The Property is located at the end of the state maintenance of Crozier Road (SR 833), and is identified as Tax Parcel No. 59-2-8C (Acct ID# 110822) in the Shawsville Magisterial District. The property currently lies in an area designated as Resource Stewardship Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
James D. Politis	John A. Muffo	Gary D. Creed
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		

**REQUEST PLANNING COMMISSION
TO REVIEW THE FAMILY SUBDIVISION ORDINANCE**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Planning Commission to review the Montgomery County Subdivision Ordinance pertaining to family subdivisions and the required number of lots under the sliding scale .

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
Gary D. Creed	

R-FY-05-126
A RESOLUTION DENYING THE ZONING CLASSIFICATION
OF 10.79 ACRES IDENTIFIED AS TAX PARCEL # 53-A-26
FROM AGRICULTURAL (A-1) TO MULTI-FAMILY RESIDENTIAL (RM-1)
MILTON W. REED

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in not compliance with the Comprehensive Plan and does not meet the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 10.79 acres of land is hereby **Denied** and the proposed ordinance is not approved.

This action was commenced upon the application of Milton W. Reed (Agent: Stroubles Creek, LP).

The property is the former sewage treatment plant property located adjacent to 1710 Merrimac Road and is identified as Tax Parcel No. 53-A-26 (Acct. ID # 070896) in the Price's Fork Magisterial District. The property currently lies in an area designated as Residential Transition in the Comprehensive Plan

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
Mary W. Biggs
Doug Marrs
James D. Politis
Steve L. Spradlin
Gary D. Creed

NAY

Annette S. Perkins

R-FY-05-120
REMOVE FROM THE TABLE
2004-2005 REVENUE SHARING PROJECTS

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby **removes from the table** the 2004-2005 Revenue Sharing Projects.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs

John A. Muffo

Annette S. Perkins

Mary W. Biggs

Steve L. Spradlin

James D. Politis

Gary D. Creed

NAY

None

R-FY-05-121
2004-2005 REVENUE SHARING PROJECTS

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, The “Revenue Sharing Program” allows the Virginia Department of Transportation (VDOT) to provide state funds to match local funds for the construction, maintenance or improvement of primary and secondary highways; and

WHEREAS, The Commonwealth Transportation Board annually appropriates funds for this purpose; and

WHEREAS, Localities who wish to participate in this program must notify VDOT of its intent to participate in the “Revenue Sharing Program” and the amount of local funds to be provided, not to exceed \$500,000; and

WHEREAS, By resolution dated February 23, 2004 the Board of Supervisors authorized the County Administrator to submit a letter of intent to participate in the “Revenue Sharing Program” and agreed to provide \$150,000 for this program, to be taken from the General Fund for the fiscal year ending June 30, 2005 to be matched on a dollar-for-dollar basis from funds of the Commonwealth of Virginia; and

WHEREAS, A letter of intent was submitted to the Virginia Department of Transportation on February 24, 2004.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia recommends the assignment of funds for FY 2004-2005 to the following projects:

- | | |
|---|-----------|
| 1. Brush Creek Road (SR 617), Spot Widening | \$150,000 |
| 1 mile section between two bridges | |
| 2. Crab Creek Road (SR 660) Spot Widening | \$100,000 |

- | | |
|---|----------|
| 3. Fairview Church Road (SR 669) Drainage and Pipe
(on the east side of road opposite the homes) | \$30,000 |
|---|----------|

<u>Total Estimated Project Costs:</u>	<u>\$280,000</u>
--	-------------------------

BE IT FURTHER RESOLVED, The Board of Supervisors recommends the assignment of funds for FY 2005-2006 contingent upon funds being provided in the FY 2005-2006 budget and approval for matching funds by the Virginia Department of Transportation to the following projects:

- | | |
|---|-----------|
| 1. Big Vein Road (P) Right-of-Way, Road Widening and
Surface Treated | \$73,000 |
| 2. Fisher's View Road (SR 600) Improvement to
Upper end of Road | \$125,000 |
| 3. Mt. Zion Road (SR 655) Improve line of site
Distance at 3298 Mt. Zion Road | \$20,000 |
| 4. Yellow Sulphur Road (SR 643) Portion of the
Project as listed on the 6-Year Secondary
Road Improvement Plan. (Priority #8) | \$85,000 |

Total Estimated Project Costs:	\$303,000
---------------------------------------	------------------

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Annette S. Perkins	
Steve L. Spradlin	
Mary W. Biggs	
James D. Politis	
Doug Marrs	
Gary D. Creed	

R-FY-05-125
CONVEYANCE OF WATER AND SEWER EASEMENT
TO MONTGOMERY COUNTY PUBLIC
SERVICE AUTHORITY ALONG
A PORTION OF THE HUCKLEBERRY TRAIL

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to convey to the Montgomery County Public Service Authority a Water and Sewer Easement along a portion of the Huckleberry Trail near where the Huckleberry Trail intersects with Hightop Road. A more particular description of the proposed Water and Sewer Easement is shown on the Design Plan for the Montgomery County PSA Hightop Road and Huckleberry Lane Sanitary Sewer Extension Project Plan.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Chairman of the Board of Supervisors is hereby authorized to execute the proposed Water and Sewer Easement on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
John A. Muffo	None	Annette S. Perkins
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
James D. Politis		
Gary D. Creed		

NEW BUSINESS

R-FY-05-122
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS, COMMISSIONS
AND COMMITTEES FOR 2005

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards, commissions and committees, effective January 1, 2005 and expiring December 31, 2005:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	<u>James D. Politis</u>
County/School Liaison Committee	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Gary D. Creed</u> (Chair)
Economic Development Alliance (NRV)	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Gary D. Creed</u> (Chair)
Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Doug Marrs</u>
Fairview Home, Inc. Board of Directors	<u>B. Clayton Goodman, III</u> (County Administrator)
Finance Board	<u>Gary D. Creed</u> (Chair) <u>B. Clayton Goodman, III</u> (County Administrator)
Human Services Commission Liaison to Executive Committee	<u>Doug Marrs</u>
Legislative Liaison	<u>Mary W. Biggs</u>
Library Board Liaison	<u>Mary W. Biggs</u>
Meadowbrook Public Library Committee	<u>Gary D. Creed</u>
Metropolitan Planning Organization (MPO)	<u>Doug Marrs</u> (Board Member) <u>John A. Muffo</u> (Alternate) <u>B. Clayton Goodman, III</u> (County Administrator)
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u>
Parks & Recreation Commission Liaison	<u>Steve L. Spradlin</u>
Planning Commission Liaison	<u>John A. Muffo</u> <u>Mary W. Biggs</u> (Alternate)
Real Estate Committee (2)	<u>James D. Politis</u> <u>Gary D. Creed</u>
Resource Conservation &	<u>Steve L. Spradlin</u>

Development District (RC&D	<u>James D. Politis</u> (Alternate)
Roads Committee (2)	<u>James D. Politis</u> <u>Doug Marrs</u>
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Mary W. Biggs</u> <u>Annette S. Perkins</u> (Alternate)
Transportation Safety Commission	<u>Gary D. Creed</u>
Utilities Committee	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Gary D. Creed</u> (Chair)
Workforce Investment Act	<u>Annette S. Perkins</u>

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Annette S. Perkins	
James D. Politis	
Steve L. Spradlin	
Gary D. Creed	

R-FY-05-123
MONTGOMERY COUNTY CHAMBER
OF COMMERCE LIAISON

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **B. Clayton Goodman, III** as Montgomery County's liaison to the Montgomery County Chamber of Commerce effective January 1, 2005 and expiring December 31, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
John A. Muffo	
Gary D. Creed	

R-FY-05-124
FIRE AND RESCUE COMMISSION
APPOINTMENTS

On a motion by Steve L. Spradlin, seconded by Mary W. Bigg and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints the following individuals to the Fire and Rescue Commission effective January 11, 2005 and expiring January 10, 2008:

Blacksburg Fire Department	Chief Keith Bolte or his designee
Blacksburg Rescue Squad	Captain Wayne Myers or his designee
Christiansburg Fire Department	Chief Jimmy Epperly or his designee
Christiansburg Rescue Squad	Captain Kelly Walters or his designee
Elliston Fire Department	Chief Malvin "Pug" Wells or his designee
Long Shop/McCoy Fire Department	Chief Gary Akers or his designee
Long Shop/McCoy Rescue Squad	Captain Steve Shelor or his designee
Riner Fire Department	Chief Mike Moles or his designee
Shawsville Rescue Squad	Captain Ray Chandler or his designee
Town of Christiansburg	Scot Shippee, Administration Officer
Board of Supervisors	Steve L. Spradlin or his designee
County Administrator	B. Clayton Goodman, III or his designee

BE IT FURTHER RESOLVED, That appointment of members of the volunteer Fire Department or Rescue Squad are contingent upon active membership of the volunteer Fire Department or Rescue Squad and that any such termination or resignation from membership with the Fire Department or Rescue Squad shall also constitute a voluntary resignation from the Commission; and

BE IT FURTHER RESOLVED, That employees appointed to the Commission as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment shall also constitute a voluntary resignation from the Commission: and

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from the Commission appointment as a representative of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Steve L. Spradlin	
Anenette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	

**A-FY-05-64
MEADOWBROOK LIBRARY
ADDITIONAL APPROPRIATION**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

940	Transfer to County Capital Projects Fund	\$131,880
-----	--	-----------

The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$131,880
--------	---------------------------	-----------

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

12	County Capital Projects	
	710 Meadowbrook Library	\$131,880

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
4521203	Undesignated Fund Balance	\$131,880

Said resolution appropriates additional funding for the Meadowbrook Library Project.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Amendment Policy Changes to the 2025 Comprehensive Plan Policy Map.
2. Building C Renovations

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Gary D. Creed	

Amendment Policy Changes to the 2025 Comprehensive Plan Policy Map

The Planning Director reported that the Planning Commission over the past two months discussed an amendment policy to govern changes to the recently adopted 2025 Comprehensive Plan Policy Map. In particular, it was felt that all such amendments should be considered together at a scheduled time each year. This would allow the Planning Commission and the Board of Supervisors to best compare them with each other. The Policy Map is basically a land use map outlining areas in the County that is best suited for commercial, residential, and agricultural. This map is a very important tool for development of both commercial and residential areas.

The 2025 Comprehensive Plan calls for the development of a policy for the periodic consideration by the County of landowner requests to change the Planning Policy Area designations. The Board of Supervisors, Planning Commission and landowners can request a designation amendment. Currently, a request can be made anytime through out the year. The Planning Commission has

recommended that landowners' requests be reviewed annually during the months of August – September, the Planning Commission's request be reviewed annually during the months of August – September and during the Village planning process, and the Board of Supervisors can request an amendment any time. Criteria for amendments include misinterpreted or overlooked during the comprehensive plan update, conditions changed substantially, undue hardship, and aid in implementation of other goals. The Planning Commission will review all requests and determine if criteria is met and then hold necessary public hearings and make recommendation to the Board of Supervisors. The Board of Supervisors will hold necessary public hearings and take action on requests.

The Board discussed the amendment policy changes to the Comprehensive Plan Policy Map and expressed concerns with an annual review. They believe that landowners should be allowed to request an amendment for land designation at least two times per year, and directed the Planning Director to make the changes. This item will be added to the January 24, 2005 agenda for consideration.

Building C Renovations

The County Administrator explained that the construction costs have not been received as expected and recommended that this topic be continued until the costs are received.

OUT OF WORK SESSION

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
John A. Muffo	
James D. Politis	
Gary D. Creed	

COUNTY ADMINISTRATOR

WIN-Vote Voting Machines

The County Administrator received a letter of request from the Voter Registrar to add to the January 24, 2005 agenda a resolution authorizing the purchase of the remaining WIN-Vote Voting Machines.

BOARD MEMBERS' REPORTS

Supervisor Muffo attended the Community Services Board meeting. This Board is very active within the community and has involvement with Montgomery County Sheriff's Office and Town Police on how to deal with issues/events regarding mental illness. The NRVCSB has produced a new video about their services and Supervisor Muffo suggested the Community Services Board be invited to a future Board meeting to show the video to the Board of Supervisors.

Supervisor Biggs School Board Meeting – A school budget work session is scheduled for Tuesday, January 11, 2005. Discussion will include teacher salary rank and the teacher salary plan.

Sunny Side Green Box Site Supervisor Biggs received a call concerning the closure of the Sunny Side green box site. Residents in the area have expressed concern that they should be notified before the site is closed. The County Administrator reported that the site is not scheduled to close until late spring. The County will send out notices well in advance before of closing the site and the closing date will be posted at the site.

Long Shop/McCoy Fire Station – Supervisor Biggs asked if the fire department has moved into their new building, and if so, what is the status of the old fire station. The County Administrator reported that the Long Shop/McCoy Fire Department has moved into the new building and discussions are ongoing about the use of the existing building for community use. There are several major issues to be considered: 1) Cost of upgrading the sewer system, which has to be done if the building is used; 2) The existing building will not be in compliance with the fire code due to being too close to the new fire station; and 3) parking.

Supervisor Spradlin thanked Supervisor Politis for his role as chairman for calendar year 2004. He feels that Supervisor Politis did an outstanding job and should be commended.

Sunny Side Green Box Site – Supervisor Spradlin agreed with Supervisor Biggs and believes that notification should be sent out to the residents in the Sunny Side area about the closing of the green box site. A sign needs to be posted well in advance.

Consolidated Collection Sites – Proper Lighting – Supervisor Spradlin expressed concerns with the lack of proper lighting at some of the consolidated sites. He asked that staff inspect all the consolidated collection sites and install more lighting if necessary. He stated the Merrimac Consolidated Collection Site does not have any lighting installed in the back, this is a safety issue for the staff who have to arrive early or stay late and for the citizens who use the site in the morning or late at night.

Employee Holiday Schedule for November and December 2004 – Supervisor Spradlin expressed concern with the holiday schedule for employees during the month of November and December 2004. The resolution adopted approving the holiday scheduled for half days in November and December started at 1:00 p.m., which caused confusion among employees. Apparently employees who decided to take leave the entire day was charged 4.5 hours of leave instead of 4. Also there

are several departments that work different times than the normal 8:30 to 5:00 p.m. He asked that the resolution be amended to reflect the holiday to be a half a day off instead of 1:00 p.m.

It was the agreement of most of the Board that this was an administrative issue and should be handled by the County Administrator. According to Governor Warner's holiday schedule, it states that the Thanksgiving Holiday shall begin at 1:00 p.m. November 24, 2004 and the Christmas Holiday shall begin at 1:00 p.m. December 23, 2004.

Supervisor Politis asked the status of the Christiansburg Rescue Satellite Station in Riner. The County Administrator reported that the plans are 50% complete.

Supervisor Creed thanked Supervisor Politis and Supervisor Perkins for serving as Chair and Vice-Chair for the Year 2004.

New Elliston Fire Station Supervisor Creed received a call from Clyde Hodges, Assistant Fire Chief of Elliston Fire Department, about the status of the new fire station. According to Mr. Hodges, plans for the station were submitted around two months ago. Supervisor Creed asked what the status was of the new station. The County Administrator stated that the plans were received; however the County Engineer and General Services Director were busy finishing up the Long Shop/McCoy Fire Station project and the Satellite Rescue Station in Riner. Supervisor Creed asked that this project be expedited.

Board Appointments to Boards/Commissions/Authorities Supervisor Creed asked that all Board members be provided with a list of each Board Members appointments to Boards/Commissions/Authorities and the time, place and date they meet.

WinVote Voting Machines Supervisor Creed noted that the purchase of the additional voting machines are time sensitive and made a motion to proceed with the purchase of the additional voting machines. The motion died due to a lack of a second.

Supervisor Biggs commented that this item should be added to the January 24, 2005 agenda in order to inform the citizens of the Board's intent. Supervisor Biggs feels that voting on this issue tonight would not be in the best interest of the citizens. She does not want a repeat of the actions by the Montgomery County Electoral Board and vote on a sensitive issue without the citizens being aware.

INTO CLOSED MEETING

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Planning Commission

(7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Regional Jail

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

Doug Marrs

Steve L. Spradlin

Annette S. Perkins

James D. Politis

John A. Muffo

Gary D. Creed

NAY

None

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs

Steve L. Spradlin

Annette S. Perkins

James D. Politis

John A. Muffo

Mary W. Biggs

Gary D. Creed

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Doug Marrs

Steve L. Spradlin

Annette S. Perkins

James D. Politis

John A. Muffo

Mary W. Biggs

Gary D. Creed

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, January 24, 2005 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs
Doug Marrs
Gary D. Creed

NAY

None

The meeting adjourned at 10:15 p.m.